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SENATE BILL 9

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO COURTS; CREATING AN ADDITIONAL MAGISTRATE IN THE DONA ANA MAGISTRATE DISTRICT; REQUIRING THE MAGISTRATE TO BE A MEMBER OF THE BAR WITH THREE YEARS' EXPERIENCE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 35-1-10 NMSA 1978 (being Laws 1968, Chapter 62, Section 12, as amended) is amended to read:

"35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT  
QUALIFICATION.--

A. There shall be [~~five~~] six magistrates in Dona Ana magistrate district. Divisions 1, 2, 3, 4, [~~and~~] 5 and 6 shall operate as a single court in Las Cruces and shall rotate riding circuit to Anthony and Hatch on a regularly scheduled basis.

.170940.1

underscoring material = new  
[bracketed material] = delete

1                   B. A person shall not be eligible for election or  
2 appointment to the office of magistrate for division 6 unless  
3 the person is a member of the New Mexico bar and has practiced  
4 in this state for a period of at least three years."

5                   Section 2. TEMPORARY PROVISION--APPOINTMENT AND  
6 ELECTION.--The office of magistrate in Dona Ana division 6  
7 shall be filled by appointment by the governor to begin serving  
8 on January 1, 2009. The appointed magistrate shall serve until  
9 succeeded by a qualified magistrate elected at the general  
10 election in 2010. The first full term of office of the elected  
11 magistrate shall begin on January 1, 2011.

12                   Section 3. APPROPRIATION.--Seventy thousand eight hundred  
13 ninety-nine dollars (\$70,899) is appropriated from the general  
14 fund to the administrative office of the courts for expenditure  
15 in fiscal year 2009 for salary and benefits and furniture,  
16 supplies and equipment for one additional magistrate judge in  
17 the Dona Ana magistrate district. Any unexpended or  
18 unencumbered balance remaining at the end of fiscal year 2009  
19 shall revert to the general fund.

20                   Section 4. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is January 1, 2009.